

Tonya English

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANGELA MALCICH,)	
)	
Plaintiff,)	
)	
vs.)	Case 4:20-CV-01030
)	
)	
ST. LOUIS COUNTY, et al.,)	
)	
Defendants.)	

THE DEPOSITION OF TONYA ENGLISH

Taken on behalf of Plaintiff

September 8, 2021

Jo Ann Sturm, CSR, CCR
ILLINOIS CSR NUMBER: 084-002267
MISSOURI CCR NUMBER: 716

STURM REPORTING SERVICES, INC.
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Plaintiff,)
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vs.) Case 4:20-CV-01030
8)
ST. LOUIS COUNTY, et al.,)
9)
Defendants.)

13 THE DEPOSITION OF TONYA ENGLISH, produced,
14 sworn, and examined on behalf of the Plaintiff, on
15 September 8, 2021, between the hours of 3:35 p.m. and
16 4:28 p.m. on that day, at the law offices of Pleban &
17 Petruska, LLC, 2010 South Big Bend Boulevard, St.
Louis, Missouri 63117, before JO ANN STURM, an
Illinois Certified Shorthand Reporter and a Certified
Court Reporter within and for the County of St. Louis,
State of Missouri.

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1

A P P E A R A N C E S

2

3 The Plaintiff, angela malcich, was
4 represented by Mr. J.C. Pleban and Mr. Chet Pleban of
the law firm of Pleban & Petruska, LLC, 2010 South Big
Bend Boulevard, St. Louis, Missouri 63117.

5

6 The Defendant, TROY DOYLE, was represented
by Mr. Eric Banks of the law firm of Banks Law, LLC,
1824 Chouteau Avenue, St. Louis, MO 63103.

7

8 The Defendants, DUWE, HEITMANN and
ADAMS, were represented by Mr. Gregory D. DeBeer of
the law firm of Wiedner, McAuliffe, Ltd., 1010 South
Hanley, Suite 1450, St. Louis, MO 63105.

9

10 The Defendants, ST. LOUIS COUNTY,
MITCHELL, WRIGHT-BERRY, WOODS and MELLENTHIN were
11 represented by Ms. Catherine M. Robertson, St. Louis
County Counselor's Office, 41 South Central Avenue,
St. Louis, Missouri 63105.

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the Plaintiff and counsel for the
3 Defendants that the deposition of TONYA ENGLISH may be
4 taken in shorthand by Jo Ann Sturm, a Certified Court
5 Reporter, and afterwards transcribed into typewriting,
6 and the signature of the witness is waived by
7 agreement of counsel and the witness.

8 * * * * *

9 TONYA ENGLISH,
10 of lawful age, being produced, sworn, and examined on
11 the part of the Plaintiff, and after responding "I do"
12 to the oath administered by the court reporter,
13 deposes and says:

14 * * *

15 DIRECT EXAMINATION

16 BY MR. PLEBAN

17 Q Tell us your name for the record, please,
18 ma'am.

19 A Tonya English.

20 Q Common spelling on your last name, English?

21 A E-N-G-L-I-S-H.

22 Q Officer English, where do you reside? Where
23 do you live?

24 A Say that again.

25 Q Yes. Maybe if you scoot up even just a

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1 little bit more. There you go.

2 Where do you live?

3 A 120 Sally Drive, Florissant, Missouri.

4 Q And you're a correction officer of St. Louis
5 County; is that correct?

6 A Correct.

7 Q And you're employed by St. Louis County; is
8 that right?

9 A Correct.

10 Q How long have you been a correction officer
11 with St. Louis County?

12 A Five years. Five years.

13 Q All settled?

14 What are your general duties and
15 responsibilities with St. Louis County as a correction
16 officer?

17 A As of right now, I work in mass control. I
18 control the whole jail.

19 Q You're here today in connection with the
20 death of an inmate by the name of Daniel Stout and a
21 resulting lawsuit from that death, which is entitled
22 Angela Malcich versus St. Louis County and others.
23 I'm going to ask you some questions with respect to
24 that occurrence and with respect to that lawsuit.

25 If, at any time, you don't understand a

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1 particular question that I've asked of you or you
2 haven't heard that question, I want you to stop me and
3 ask me to repeat or rephrase the question in an effort
4 to have you fully hear and understand what I'm asking.
5 Is that agreeable?

6 A Okay.

7 Q Are you okay hearing me so far?

8 A Yes, I can hear you so far.

9 Q In the event that you don't stop me and ask
10 me to repeat or rephrase, I will assume that you heard
11 the question, that you understand the question, and
12 that you're giving a full and complete response to the
13 question I'm asking. Is that also agreeable?

14 A All right.

15 Q Finally, you have to answer verbally for the
16 record. You can't nod your head --

17 A Right, right.

18 Q Okay. Now, let me direct your attention to
19 June 11, 2019. Were you working that day?

20 A Yes, I was working third shift that day.

21 Q Now, in preparation for this deposition, did
22 you review any documents related to June 11, 2019 and
23 the death of Daniel Stout?

24 A Yes, I did. I had to refresh my memory,
25 because that was a couple years ago.

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1 Q Understandably. What did you review?

2 A I reviewed the report that I wrote and my
3 journal entry.

4 Q Anything else?

5 A No.

6 Q I'm going to put up on screen and ask you to
7 take a look at the report that you just referenced.

8 A Okay.

9 Q Can you see it?

10 A Yes, I can see it.

11 Q It's identified as Exhibit 8.

12 A You only have half of it showing.

13 Q All right.

14 A Can you bring it down a little bit?

15 Q Sure.

16 A That's perfect.

17 Q Can you take a look at that?

18 A Uh-huh.

19 Q Is that the report that you prepared in
20 connection with the death of Daniel Stout?

21 A Yes.

22 Q For whom did you prepare that report?

23 A For the director at the time. I don't know
24 if he was the director at the time or not. It was for
25 Darby Howard.

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1 Q She was a supervisor in the Department of
2 Corrections?

3 A He's deputy director.

4 Q And is that the report that you used to
5 refresh your recollection in preparation for this
6 deposition?

7 A Yes, it is.

8 Q It's Bates number 275 for the record.

9 So you came on duty on the 11th of June at
10 what time?

11 A It would have been 9:58.

12 Q Did you have some contact eventually with
13 Daniel Stout?

14 A Not until he made the call to unit control.

15 Q Not until what? I didn't understand.

16 A Not until he made the call out to unit
17 control, where I was sitting.

18 Q About what time was that?

19 A 5:30.

20 Q 5:30 a.m., correct?

21 A 5:30 a.m.

22 Q And that would be on June the 11th of 2019.

23 A Yes.

24 Q What was your understanding of the call that
25 he made to unit control?

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1 A He called out and said that he was having
2 stomach pains and that he had just thrown up.

3 Q Now, in your statement, you use the word
4 regurgitate. Do you see that?

5 A Uh-huh. Yes.

6 Q Is that a synonym for vomiting?

7 A That's what I use, yes, to write the report.
8 That's the word I used to write the report. I didn't
9 want to say he threw up, so I used regurgitated.

10 Q But for clarification, when you used the
11 word "regurgitated" in your report, what you meant was
12 he threw up or he vomited, correct?

13 A Correct.

14 Q Now, did you actually hear him call, make
15 that call?

16 A Yes. He had to call out to unit control in
17 order for me to hear him.

18 Q You actually heard it as opposed to somebody
19 else telling you what he said; is that right?

20 A No, he told me out of his own words that
21 that's what happened.

22 Q So at the time that he made that call, he
23 was telling you that he threw up in his cell.

24 A Correct.

25 Q Was that the first time on June the 11th

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1 that you understood that he threw up?

2 A Yes.

3 Q When you got that information, what, if
4 anything, did you do?

5 A I called the -- I checked to see who was the
6 sick call nurse, and I called the sick call nurse to
7 give him that information.

8 Q And why did you do that?

9 A Because that's what we're supposed to do.

10 Q And you knew that, at least as far as what
11 Daniel Stout was telling you, he was sick and he threw
12 up, right?

13 A Correct.

14 Q So somebody had to take care of him
15 medically.

16 A I'm sorry, say it again.

17 Q Somebody --

18 A Repeat that.

19 Q Sure. You knew at that time that somebody
20 had to take care of him medically. That's why you
21 contacted a medical person in the form of a nurse,
22 right?

23 A Correct.

24 MR. DeBEER: Objection. Assumes facts not
25 in evidence. Calls for speculation.

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1 BY MR. CHET PLEBAN:

2 Q So when you spoke with -- who did you speak
3 with? What nurse did you speak to?

4 A I spoke with Janet Duwe, if I'm saying her
5 last name correctly.

6 Q You spelled that in your report D-U-W-E; is
7 that right?

8 A Correct.

9 Q And who is Janet Duwe?

10 A At the time, she was the nurse on call for
11 the sick calls.

12 Q How come you called her?

13 A Because that's what we're supposed to do.

14 Q I know that. But was there something
15 specific that you knew to call Janet Duwe, or did you
16 just make a phone call generally to a nurse's station?

17 A No, we have a sick call list -- on third
18 shift we have a sick call list. That sick call list
19 tells us who to call on that specific date.

20 Q So Janet Duwe was listed as that contact
21 person, correct?

22 A Janet Duwe was -- no, it doesn't go by name,
23 it goes by infirmary or intake. That night it was the
24 intake nurse, and Janet was the intake nurse.

25 Q What does it mean to be an intake nurse, do

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1 you know?

2 A We have nurses -- when prisoners first come
3 in, they have to be assessed by medical staff. So we
4 have medical staff and intake, and we have medical
5 staff and the infirmary.

6 Q And so when you talked to Janet Duwe, what
7 did you tell her?

8 A I told her -- I gave her the name -- so the
9 way that we do it, we give them the inmate's name, the
10 date of birth, and what housing unit they're in, what
11 cell they're in, and what the situation is.

12 Q Okay. What did you tell her about the
13 situation?

14 A I told her that -- what Stout told me, that
15 he had thrown up and that he was having stomach pains.
16 That's what I told her.

17 Q And what did Janet Duwe tell you?

18 A She told me because he was an MDC, since he
19 was going to prison that morning, that the nurse in
20 transportation would see him when he goes down later
21 on that morning. When he goes down for trans, that's
22 when he would be seen by that nurse, the
23 transportation nurse.

24 Q Did you know at that time that he was
25 scheduled to go to the Department of Corrections?

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1 A Yes.

2 Q When did you find that out?

3 A We know at the start of shift who's going to
4 MDC.

5 Q So you knew when you came on duty that he
6 was going to go sometime that day, on June the 11th,
7 down to the Department of Corrections, correct?

8 A Correct. Correct.

9 Q And apparently, Janet Duwe knew he was going
10 also because she told you that he was scheduled to go
11 as well, correct?

12 A Correct.

13 Q Now, when you have the conversation with
14 Janet Duwe, have you seen at that point in time, have
15 you seen Daniel Stout?

16 A No. I was not touring the housing unit. So
17 on the floor, we break down the floor. I was touring
18 A and B and my partner was touring C and D.

19 Q All right. So after you have this
20 conversation with Janet Duwe, do you hear anything
21 else from Mr. Stout?

22 A He called back to find out what the nurse
23 said and I relayed the message to him.

24 Q Now, according to your report there, you
25 said that you contacted the nurse at intake at 5:34

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1 hours; is that correct?

2 A Correct.

3 Q That's 5:34 in the morning, right, a.m.?

4 A Correct, correct.

5 Q And what time does Mr. Stout contact you
6 back?

7 A According to this report, 5:36.

8 Q What does he tell you then?

9 A He wanted to know what the nurse said, and I
10 told him -- well, let me see. He told me that he
11 threw up again, and I told him what the nurse said. I
12 told him that the nurse said that he'll be seen in
13 trans, so...

14 Q So when you talked to Mr. Stout the first
15 time, he told you that he threw up. Did he tell you
16 when he threw up?

17 A I don't recall.

18 Q So, in any event, about two minutes later,
19 after you have the phone call with Nurse Duwe, he
20 tells you again that he threw up again, correct?

21 A Correct. That's what the report says.

22 Q Well, is that your recollection as well?

23 A That happened in 2019. I'm only going by
24 what this report says. It's a little -- I'm assuming
25 that's what happened, because that's what my report

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1 says.

2 Q That's fair. And I realize it was a couple
3 years ago, but you're free to use the report to
4 refresh your recollection, okay?

5 A Okay.

6 Q I'm assuming that you prepared this report
7 close in time to the event when it occurred, correct?

8 A Say it again.

9 Q That you prepared this report close in time
10 to June 11 of 2019; is that right?

11 A You said I compared it?

12 Q No, you prepared it.

13 A Oh, prepared it. Okay.

14 Q Close in time to June 11 of 2019 when this
15 event occurred, correct?

16 A This report was written at 14:27. All of
17 this information that's on this report was in my event
18 log at the time that it happened.

19 Q So when you received the first phone call or
20 the first contact from Mr. Stout, did you immediately
21 contact Duwe to tell her?

22 A No, I had to find out who was the sick call
23 nurse. So if he called me at 5:30, I had to find out
24 who was the nurse on call. So when I -- it says I
25 called her at 5:34, so that was when I found out who

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1 was the nurse that was on call.

2 Q So it took you about four minutes to find
3 out who the nurse was that was on call.

4 A Exactly. If I had to call, I may have had
5 to call somewhere else and then finally got the intake
6 nurse. I don't know. I don't recall.

7 Q Now, when Mr. Stout called back, asking --
8 or telling you that he had thrown up now for a second
9 time and wanted to know, I guess, where the nurse was,
10 is that what he was looking for?

11 A I guess so. It happened a couple years ago.
12 I'm assuming that's how that went. That's normally
13 how it goes. That's what the report says, and that's
14 what happened.

15 Q And the second time that he contacted you,
16 in addition to telling you that he had thrown up
17 again, did he also tell you that he was continuing to
18 have stomach pains?

19 A Did he also tell me what? The screen froze,
20 so I didn't hear what you said. Did he also tell me
21 what?

22 Q That he had thrown up again and that he was
23 also continuing to have those stomach pains.

24 A Let's see. What does the report say? Yeah,
25 that's what the report says.

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1 Q And does that refresh your recollection?

2 A I don't recall. I'm only -- like I said,
3 that was some years ago. You know what happened
4 between '19 and '21? I'm only going by what this
5 report is saying. If I wrote the report, everything
6 that I said in the report, if that's what I wrote,
7 that's what happened.

8 Q So after you got the second contact from
9 Officer Stout, at that point did you tell him what you
10 had -- the information that you were given by
11 Nurse Duwe?

12 MR. BANKS: Excuse me, Officer Stout?

13 THE WITNESS: Inmate Stout?

14 BY MR. CHET PLEBAN:

15 Q Inmate Stout, I'm sorry.

16 A Rephrase the question.

17 Q Yes. When Mr. Stout contacted you again,
18 looking for where the nurse was or what kind of
19 medical care he was going to get, did you tell him
20 then at that point what you had been told by
21 Nurse Janet Duwe?

22 A Okay. So the report says I restated the
23 information that I was given by Nurse Duwe. And so
24 that's what I told him.

25 Q Okay. Did you have any more contact by

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1 Daniel Stout after that second call?

2 A After that second call, it was time to
3 remove the MDCs from the unit, so that's what we did.
4 We went in and got -- and I don't even recall if I'm
5 the one that went in and got them. But he was brought
6 out of the housing unit and placed into a sally port.
7 So that's what happened.

8 Q Did you see him in the sally port?

9 A Yes.

10 Q What did he look like? Do you remember what
11 he looked like when you saw him in the sally port?

12 A No, I don't.

13 Q Was there a time while he was in the sally
14 port that he was offered a chair or given a chair?

15 A Yes, he asked me for a chair. I gave him a
16 chair. And then, according to this report, he said he
17 didn't want the chair, that he was just going to lay
18 down, so I took the chair out.

19 Q And he just laid on the floor?

20 A Yes.

21 Q During this period of time, were you
22 communicating with any of your supervisors?

23 A I alerted -- I let my lieutenant on duty
24 know, which was Lieutenant Brian Mitchell.

25 Q What did you tell him?

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1 A I told him that he was complaining of
2 stomach pains, that he had thrown up a couple times,
3 and that the nursing staff refused to come see him,
4 and that he will be seen by the nurse in
5 transportation.

6 Q Do you know what time Lieutenant Mitchell
7 arrived on the floor?

8 A According to this report, at 5:40.

9 Q Did you see Lieutenant Mitchell do anything
10 as it related to Daniel Stout?

11 A Yes, he went to the sally port that he was
12 in. What he said to Mr. Stout, I have no idea.

13 Q But you saw him go into the sally port, and
14 while you might not have been able to hear the
15 conversation, did it appear that he was having some
16 sort of a conversation with Daniel Stout, or at least
17 talked to Daniel Stout?

18 A It appeared that he was having a
19 conversation with him, yes.

20 Q Do you know how long that conversation
21 lasted? Do you have any idea?

22 A I don't recall. I do not recall.

23 Q Did you have any further contact with
24 Daniel Stout at that point?

25 A At what point?

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1 Q At the point where you saw the lieutenant go
2 in and say something or have a conversation with
3 Stout.

4 A According to this report, no, I didn't go
5 back in. I went in to count with the first shift
6 officer at 6:03. It says on or roughly at 6:03.

7 Q You went to do your count.

8 A Uh-huh.

9 Q After you did your count, did you come back
10 into the area of the sally port again?

11 A Let's see. I don't recall. Let me look at
12 this report.

13 Q Was there any time that you saw any vomit in
14 the sally port?

15 A Okay. So according to this report, he had
16 thrown up again in the sally port.

17 Q How do you know that?

18 A I had to have gone back in. I said:
19 Afterwards, I walked over to 5A and observed that
20 Inmate Stout had regurgitated inside the sally port.

21 Q So you saw him throw up in the sally port or
22 there was vomit --

23 A I saw that there was vomit on the floor.

24 Q And was that --

25 A There was vomit on the floor.

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1 Q Okay. Was that in the area where he was?

2 A Yes.

3 Q So you didn't actually see him throw up, it
4 was just in the area where he was lying, correct?

5 A Correct, correct.

6 Q You said in your report that the first shift
7 lieutenants were informed of the situation. What did
8 you mean by that?

9 A We have to give them -- we have to let them
10 know what happened -- we have to give them a briefing
11 of what happened on third shift. So I briefed them on
12 everything that happened, and I briefed them on the
13 situation with Stout.

14 Q Were you getting ready to go off duty?

15 A Say that again.

16 Q Were you getting ready to go off duty?

17 A Yes.

18 Q So did you actually see any transportation
19 officer take custody of Daniel Stout while you were in
20 that sally port?

21 A I don't recall. It shows afterwards
22 transportation officer arrived to the floor and
23 escorted him out.

24 Q So according to your report, you said that
25 the transportation officer arrived on the floor at the

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1 sally port and escorted Stout off the floor, correct?

2 A That's what my report says, yes.

3 Q Is that something that you recall seeing?

4 A Yeah. If I wrote it down, then that's what
5 I saw happen.

6 Q And while you were in that sally port in the
7 presence of Daniel Stout, did you ever see any medical
8 care provider, a nurse, a doctor --

9 A No.

10 Q -- any kind that treated him?

11 A No, no.

12 Q Did you ever see them on that floor?

13 A No.

14 Q Did you have any conversation with
15 Janet Duwe after the contact that you had with her at
16 5:34 a.m.?

17 A No.

18 Q Did she have any contact with you after the
19 5:34 contact that you had with her to bring you up to
20 date as to what was going to happen with respect to
21 any medical care that was going to be provided to
22 Daniel Stout?

23 A No.

24 Q Did anyone have any conversation with you
25 with respect to what kind of medical care Daniel Stout

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1 was going to receive that morning?

2 A Other than he would be seen by the nurse in
3 transportation, no.

4 Q Where was your understanding as to where
5 that was going to occur?

6 A Downstairs where the inmates go to be held
7 before they leave the facility.

8 Q Do you know whether or not of your own
9 knowledge that ever happened?

10 A I do not.

11 Q Now, do you know -- obviously, Daniel Stout
12 told you that he was sick. You know, you have
13 personal knowledge, that he threw up, correct?

14 A From my personal knowledge of seeing it in
15 the sally port, yes. What he did inside his cell I
16 have no clue.

17 Q But you saw vomit in his cell, too, didn't
18 you?

19 A No, I never went to his cell.

20 Q I've got you. So do you know -- and you
21 knew that he was scheduled, at least, to be
22 transported to the Missouri Department of Corrections,
23 right?

24 A Correct.

25 Q Do you know what the protocol was on June

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1 the 11th of 2019 as to whether, when somebody is
2 scheduled to be transferred to the Missouri Department
3 of Corrections and they're sick, what happens?

4 A I have no idea because I don't deal with
5 that part of it. I do not know.

6 Q Who would be making that decision as to
7 whether or not that person who is sick still has to be
8 transferred?

9 A I have no idea.

10 MR. DeBEER: Objection. Speculation.

11 BY MR. CHET PLEBAN:

12 Q Do you know of your own knowledge that, in
13 fact, he was transported?

14 A I'm assuming he was transported because I
15 got the phone call saying that he had passed at the
16 prison.

17 Q Who told you that?

18 A Darby Howard.

19 Q Who is that?

20 A He's the deputy director. And I can't
21 recall whether or not he was the director at the time
22 or just the deputy director, but that's what his
23 position is now. He's the deputy director.

24 Q When did you receive that call?

25 A I don't recall.

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1 Q What did he tell you?

2 A It was later on. Because I was third shift
3 at that time, so it would have been later on that day.
4 But I really don't know what time it was that he
5 called me.

6 Q And what did he tell you?

7 A He told me that Inmate Stout had died at the
8 prison.

9 Q Do you know why he was giving you that
10 information?

11 A I'm assuming because it was my floor. He
12 left my floor, I guess. I don't know. I don't
13 recall. I can't really say why he was giving me that
14 information.

15 Q You didn't ask him why he was giving you
16 that information, did you?

17 A Say that again.

18 Q You did not ask him why he was contacting
19 you to tell you that Daniel Stout had died.

20 A I don't recall.

21 Q So you don't know of your own knowledge
22 whether or not Daniel Stout, after the time that you
23 saw him on June the 11th of 2019, whether he got any
24 medical treatment at all while in the custody of St.
25 Louis County, correct?

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1 A I don't know, no.

2 Q Officer English, a couple more questions.

3 At any time did you make a statement that the vomit
4 that you had seen in the sally port by Daniel Stout
5 had the appearance of motor oil? You remember that?

6 A I don't recall.

7 Q Did you -- you gave a recorded statement
8 to -- or written, to Tonya V. Johnson, Internal
9 Affairs manager; is that correct?

10 A It's possible. I don't recall.

11 Q I'm going to show you a document. It's
12 marked as Exhibit 6.

13 A That I wrote?

14 Q No. At the bottom it says
15 Officer Tonya English, DSN 1344. Is that you?

16 A That's me.

17 Q And it recites information that you had
18 provided to Miss Johnson, the Internal Affairs
19 manager. Do you remember seeing Miss Johnson, the
20 Internal Affairs manager?

21 A It's possible, but I don't recall.

22 Q Do you remember an investigation that was
23 being conducted --

24 A Oh, yeah, there was. Yeah, there's an
25 investigation anytime that someone dies.

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1 Q Okay. And so you were asked questions by
2 the Internal Affairs division of the County,
3 Department of Corrections, right?

4 A Correct.

5 Q All right. And that -- either you provided
6 written statements to them or this was a recorded
7 statement. Do you remember whether or not they
8 recorded the questions that they asked and the answers
9 that you gave?

10 A I don't know. I don't know if it was
11 recorded or written.

12 Q And this document that we're showing you
13 right now, Bates number 03, have you ever seen this
14 document before?

15 A I have not.

16 Q Go to the next page.

17 Here's the next page. You've never seen any
18 of this before?

19 A No.

20 Q Go ahead and highlight the motor oil.

21 You see where we've highlighted on this next
22 page here?

23 A Oh, okay. All right.

24 Q Motor oil. Do you see that?

25 A All right.

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1 Q Do you recall telling anyone that the vomit
2 that you saw in the sally port had the appearance of
3 motor oil?

4 A Okay. If this is what it's saying, then
5 that's correct. I just didn't remember it, but now
6 that you're showing it to me, apparently that's what I
7 said if that's what she wrote down.

8 Q I'm actually more interested in whether you
9 gave an oral statement or a written statement to --

10 A See, I can't tell you -- give that
11 information. That happened in 2019. It's 2021. I
12 don't know if I wrote it down or if they had me on
13 recording. I don't know.

14 MR. CHET PLEBAN: For the record, Cate,
15 apparently we don't have any oral statement or
16 recorded statement or any written statement in
17 connection with the information that appears on this
18 report.

19 MS. ROBERTSON: Right. You've asked me
20 about six times for that, and six times I've gotten
21 back to my client and we don't have it. I don't know
22 that it ever existed. I can't give you something that
23 doesn't exist.

24 MR. CHET PLEBAN: I don't want to do
25 discovery here. But I guess the question is, it came

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1 from someplace, and obviously, this motor oil issue is
2 not in her written statement that she provided
3 previously that we showed her. It's got to be
4 somewhere.

5 MS. ROBERTSON: No, it doesn't.
6 Tina Johnson can verbally interview her and write this
7 in her report.

8 MR. CHET PLEBAN: Then she'd have to have
9 some notes. There has to be some document that she
10 used to prepare this document someplace.

11 MS. ROBERTSON: You can ask her that when
12 you depose it. But I don't have it. If I had it, I'd
13 give it to you, Chet. There's no reason for me not to
14 give it to you.

15 MR. CHET PLEBAN: I'm not quarreling with
16 you. But for somebody just to say we just don't have
17 it -- and I'm not talking about you, I'm talking about
18 the author of the report.

19 With no backup to this report, it's kind of
20 a waste of time to ask her any additional questions
21 about this report, so we'll -- I have no further
22 questions for this witness now, but we'll reserve our
23 right to recall her.

24 MR. BANKS: I have no questions.

25 MS. ROBERTSON: Hold on, Officer English.

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1 CROSS-EXAMINATION

2 BY MR. DEBEER

3 Q Officer English, my name is Greg DeBeer. I
4 have some very, very brief questioning for you, okay?

5 A Okay.

6 Q From what I've heard you say today, it
7 sounds like your testimony at this deposition is based
8 solely on your review of your report; is that fair?

9 A That's fair, because that was in 2019. I
10 don't remember. I can't give you -- I had to look at
11 the report myself to even refresh my memory, so...

12 Q As you sit here today, you don't have an
13 independent recollection of anything that happened
14 other than what's contained in your report; is that
15 fair?

16 A Correct.

17 MR. DeBEER: JC or Chet, would you mind just
18 pulling up her report again?

19 MR. PLEBAN: The one that she wrote up.

20 MR. DeBEER: It's Bates stamp 275.

21 BY MR. DeBEER:

22 Q Officer English, you testified earlier that
23 when you spoke with Nurse Duwe, that you identified
24 Mr. Stout by name.

25 A Yes.

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1 Q Would you agree with me that your report
2 does not say that?

3 A As far as what? As far as me telling her
4 who the inmate is?

5 Q Exactly. Nothing in your report says that
6 you told Janet Duwe that you identified the inmate by
7 name when you made the call.

8 A I'm sure I did, but I don't recall. I don't
9 know why -- I'm not sure. I don't see what you're
10 saying.

11 Q My question is, all I want to know is
12 whether it's in this report that we're looking at
13 right now.

14 A It doesn't say his name, but she knows who
15 I'm talking about because she knew he was going to
16 MDC.

17 MR. DeBEER: I'll move to strike the
18 nonresponsive portion.

19 MR. PLEBAN: It was responsive. But go
20 ahead.

21 MR. DeBEER: It was not responsive to my
22 specific question, actually, but objection obviously
23 noted.

24 BY MR. DeBEER:

25 Q Officer English, did you -- based on your

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1 recollection, which I guess is this report, did you
2 ever specifically tell Nurse Duwe or Nurse Heitman
3 that your call was a sick call? Did you ever say the
4 word sick call?

5 A I don't recall.

6 Q And it doesn't say the words sick call
7 anywhere, that you identified it as a sick call
8 anywhere in this report; is that fair?

9 A Can we move this over some? I'm not getting
10 this part where your video is at. Is there any way to
11 move this over so I can get the whole report?

12 MR. J.C. PLEBAN: How's that?

13 THE WITNESS: Is there any way to move this
14 side over?

15 MR. DeBEER: Are you talking about the
16 pictures of us, that we get in the way?

17 THE WITNESS: Yeah. Can it go up top
18 instead of on the side?

19 MR. DeBEER: So if you can go up on your
20 computer and hit the minus, it looks like a minus
21 sign, it will minimize all of our video.

22 THE WITNESS: I can see it, never mind.

23 MR. DeBEER: Is that better?

24 THE WITNESS: Okay. Okay. Now what was
25 your question again?

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1 BY MR. DeBEER:

2 Q It's a really straightforward question. My
3 question is, is there anything in this report that
4 says that you identified the call to Nurse Duwe as a
5 sick call?

6 A No, it doesn't.

7 Q Is there anywhere in this report that states
8 that you specifically requested medical attention from
9 Nurse Duwe or Nurse Heitman?

10 A That was what the call was for.

11 Q Did you say that to them on the call?

12 A I informed her of the situation. I informed
13 her why I made the call, which was because the guy was
14 throwing up.

15 Q You said we need medical attention or we
16 need medical help?

17 A That's not what I -- that's not what my
18 report says, no.

19 Q The call that you had at 5:34 a.m. with
20 Nurse Duwe, was anyone else present for that call on
21 your end?

22 A I don't recall.

23 Q So there's nobody, to your recollection,
24 that can verify what you said during that call other
25 than yourself.

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1 A I'm not saying that there is or not. I
2 don't remember.

3 Q As you sit here today, you don't know of
4 anybody that can verify.

5 A I don't remember if my partner was sitting
6 right there with me, I don't know. I don't remember.

7 Q The phone system in 2019, assuming it's
8 different than it is currently now, is there -- and I
9 know this is an odd question. Were there ever any
10 difficulties hearing each other on those phones? How
11 well do they work?

12 A They work just fine.

13 Q There's never any static on those phone
14 calls?

15 A Not to my knowledge.

16 Q There's never a bad -- specifically with
17 this call, or really, any call, there's never a bad
18 connection that you can recall on one of those calls
19 where you missed maybe something that somebody said.

20 A I don't recall.

21 MR. DeBEER: Thanks, Officer English, those
22 are all my questions. I appreciate your time.

23 MR. CHET PLEBAN: Hold on. Hold on.

24

25

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1 REDIRECT EXAMINATION

2 BY MR. CHET PLEBAN

3 Q Based upon what you were just asked, I've
4 got a couple more questions for you, Officer English.
5 Bear with me just a little bit.

6 Now, there are certain things that you have
7 independent recollection of. For example, that
8 Daniel Stout died on June the 11th of 2019, correct?

9 A Correct.

10 Q And that he threw up a couple times on
11 June 11th, 2019, correct?

12 A Correct.

13 Q And you independently recollect that, right?

14 A Correct.

15 Q So I'm going to show you again 6, what's
16 been marked as 6, Exhibit 6. And when you were
17 interviewed by Miss Johnson at Internal Affairs, you
18 had an independent recollection at that time of all of
19 the events that you witnessed on June 11th, 2019. Is
20 that a fair statement?

21 MR. DeBEER: Form. Calls for speculation.

22 THE WITNESS: Yes, that's correct.

23 BY MR. CHET PLEBAN:

24 Q So according to this report, says: Officer
25 English was asked specifically what information did

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1 she relay to Nurse Duwe.

2 Do you see that at the top?

3 A Yes.

4 Q And according to this report: She stated
5 that she informed her that an inmate that is on the
6 list to leave for MDC had vomited and that he is
7 complaining of stomach pains.

8 Is that correct?

9 A Correct.

10 Q So you gave Nurse Duwe, at least according
11 to this report, information with respect to the
12 information that you had received from Stout, right?

13 MR. DeBEER: Objection. Foundation.

14 BY MR. CHET PLEBAN:

15 Q Is that correct?

16 A Say it again.

17 Q Sure. According to at least this report,
18 you provided Nurse Duwe with specifics of the
19 information that you had received from Inmate Stout,
20 correct?

21 A Correct.

22 Q I mean, it would be meaningless, wouldn't
23 it, for you to contact the nurse and not give that
24 nurse specifics about why you were calling, wouldn't
25 it?

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1 A Correct. So what we do as officers, when a
2 inmate calls out and says that they're not feeling
3 good, we immediately find out who's the sick call
4 nurse. Once we do that -- and sometimes we don't get
5 the person right away, so that could explain why it
6 took me four minutes to get Nurse Duwe.

7 But once we get the nurse that's on call for
8 the sick calls, we tell them their name, their first
9 and last name, their birthday, what housing unit
10 they're in and what cell they're in, and then we go on
11 to let them know what the problem is.

12 So that's protocol. That's what we do.
13 That would be the only reason why I would call them,
14 unless someone tells me that they're sick or if we
15 have a code one. In this particular situation, Stout
16 called out, said he was sick. I did what I was
17 supposed to do, which was call the nurse and let the
18 nurse know what was going on.

19 Q Your purpose, whether it be with Stout or
20 somebody else, is to hook up the medical people with
21 the person -- the inmate who's complaining about being
22 sick, right?

23 A Correct.

24 Q Because you're not suited to handle a
25 medical situation. You're not trained in that regard,

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1 are you?

2 A Right. Exactly. That's what we're trained.
3 We're not medical staff. So I don't care if he called
4 and told me he hit his finger. I still have to call
5 the nurse and let the nurse know what's going on
6 because I'm not medical. I can't say, well, you just
7 hit your finger, you're going to be okay. It could be
8 something more serious than that.

9 We have to call medical staff. When they
10 call out to us and let us know that they're not
11 feeling good or whatever the situation may be, we have
12 to, per policy, call medical staff and let them know
13 what's going on.

14 Q Based upon the information that Daniel Stout
15 gave to you, and based upon your observation of
16 Daniel Stout, and based upon the vomit that you saw as
17 it relates to Daniel Stout, was there any doubt in
18 your mind that Daniel Stout on June 11th, at the time
19 that you saw him, was sick?

20 MR. BANKS: Objection. Asked and answered.

21 MR. DeBEER: Calls for speculation --

22 THE WITNESS: There's no doubt in mind --

23 MR. DeBEER: Hold on, Officer. Hold on.
24 Calls for speculation. You just verified that she
25 doesn't have the expertise to make a determination

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1 like that. She's not medical.

2 MR. CHET PLEBAN: Is that your objection?

3 MR. DeBEER: That's my objection.

4 MR. CHET PLEBAN: The objection will be
5 preserved.

6 BY MR. CHET PLEBAN:

7 Q Was there any doubt in your mind, okay, as a
8 correction officer, that Daniel Stout was sick and in
9 need of some kind of medical attention?

10 A No, there is no doubt in my mind. I mean,
11 he said he wasn't feeling good. I called medical.

12 Q And you're not trained medically, are you?

13 A No.

14 Q But as a layperson and as a correction
15 officer, you can tell if somebody is sick, correct?

16 A I can tell what they tell me.

17 Q Yeah.

18 A So when he called, he said he was throwing
19 up. That was the information I relayed to her, that
20 he said his stomach was hurting and that he had thrown
21 up. That's what I gave her.

22 Q And you saw vomit next to him in the sally
23 port.

24 A In the sally port. I saw vomit next to him
25 in the sally port.

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1 Q And what did you conclude from that?

2 A That obviously he was sick and needed to be
3 seen.

4 Q And that's why you were calling Duwe or a
5 nurse or the medical people to take care of him,
6 correct?

7 A Right.

8 MR. BANKS: Objection. Asked and answered.

9 BY MR. CHET PLEBAN:

10 Q You weren't calling just for general
11 information, were you, from Duwe or anybody else?

12 A No, why would I do that? We don't call them
13 for information. We call them to give them
14 information.

15 Q And you gave them the information that you
16 had gotten from Stout, correct?

17 A Correct.

18 MR. CHET PLEBAN: That's all.

19 MR. DeBEER: Fantastic.

20 FURTHER CROSS-EXAMINATION

21 BY MR. DEBEER

22 Q Officer English, you had a protocol in 2019
23 that you were required to follow with regard to sick
24 calls; is that accurate?

25 A What protocol are you talking about? We

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1 talking about inmate calls us to let us know that
2 they're not feeling well?

3 Q Are you aware that in your policies and
4 procedures there was a written protocol for sick calls
5 that governs correctional officers in 2019? Are you
6 aware of that?

7 A I don't know what you're talking about. I'd
8 have to go and look it up.

9 Q So as you sit here today, you're not aware
10 of a policy or procedure relating to sick calls that
11 was in place in 2019.

12 A I'm only aware of my training, that what I'm
13 supposed to do when an inmate calls me and tells me
14 that they're sick, we're supposed to call the nurse
15 that's on call.

16 Q Where did you learn that?

17 A Training.

18 Q You never saw a written policy on that, is
19 that what you're testifying?

20 A I'm not saying that, either. I don't
21 recall.

22 Q If there was a written policy about sick
23 calls, it would be important to follow that policy,
24 wouldn't it?

25 A If there is a policy on sick calls, which I

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1 followed. I followed -- I followed what I was trained
2 to do. If an inmate calls out, says that they're not
3 feeling well, we are to immediately call. I'm on
4 third shift, so the third shift is sick calls. So we
5 are to immediately find out who the sick call nurse is
6 for that night, call that nurse, inform them of what
7 the situation is, and they're supposed to -- either
8 they're going to say they're going to come up or
9 they're going to say they're not going to come up.

10 Whatever they do, however we document, we're
11 supposed to then document everything that they say,
12 which is what I did.

13 Q That's your recollection; that's your
14 comprehensive recollection of what the policy was for
15 sick calls, correct?

16 A I would have to read the policy again to
17 refresh my memory, because I don't recall.

18 MR. DeBEER: Thank you, Officer English. I
19 have nothing more.

20 MR. CHET PLEBAN: I don't have anything
21 else.

22 MS. ROBERTSON: Officer English, do you
23 recall we talked about waiving signature versus
24 reviewing and signing? Do you want to waive
25 signature.

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1 THE WITNESS: Okay. Yes.

2 MS. ROBERTSON: You're free to go. Thank
3 you for your time today.

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1

REPORTER CERTIFICATE

2

3

I, JO ANN STURM, CSR, CCR, do hereby certify
that there came before me

4

TONYA ENGLISH

5

6

7

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9

who was by me first duly sworn to testify to the truth
and nothing but the truth of all knowledge touching
and concerning the matters in controversy in this
cause; that the witness was thereupon carefully
examined under oath and said examination was reduced
to writing by me; and that this deposition is a true
and correct record of the testimony given by the
witness.

10

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15

I further certify that I am neither attorney
nor counsel for nor related nor employed by any of the
parties to the action in which this deposition is
taken; further, that I am not a relative or employee
of any attorney or counsel employed by the parties
hereto or financially interested in this action.

16

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Dated September 21, 2021.



JO ANN STURM, CSR, CCR

ILLINOIS CSR NUMBER: 084-002267

MISSOURI CCR NUMBER: 716



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